

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

KUNJ ASSOCIATES, L.P. and KIRAN P.  
PATEL,

Plaintiffs,

v.

WILLIAM DADDONO, ADVANCED  
APPRAISAL GROUP, INC., ADVANCED  
APPRAISAL CONSULTANTS, LLC,  
ADVANCED APPRAISAL  
CONSULTANTS, INCORPORATED,  
HIREN PATEL, EDWARD FITZGERALD,  
SANDRA A. FRANCO aka SANDRA  
FRANCO-AGUILERA, GLEN  
AMUNDSEN, EAN L. KRYSKA,  
WILLIAM HACKNEY,  
SMITHAMUNDSEN LLC, ARNSTEIN &  
LEHR LLP, SAUL EWING ARNSTEIN &  
LEHR LLP, KAREN A. WHITE, BURKE  
& WHITE, P.C., JULIE L. KAMINSKI,  
PHILIP S. WOLIN, HAROLD ROSEN,  
WOLIN & ROSEN, LTD. and WOLIN  
KELTER & ROSEN, LTD.,

Defendants.

No.

**NOTICE OF REMOVAL**

Defendants, JULIE L. KAMINSKI, PHILIP S. WOLIN, HAROLD ROSEN, WOLIN & ROSEN, LTD. and WOLIN KELTER & ROSEN, LTD. ( collectively "Wolin & Rosen"), by their attorneys, John J. Duffy, Bradley E. Puklin, and Donohue Brown Mathewson & Smyth; ARNSTEIN & LEHR LLP, SAUL EWING ARNSTEIN & LEHR LLP, and SANDRA A. FRANCO (collectively, "SEAL"), by their attorneys Frederic R. Klein, Kerry D. Nelson, and Goldberg Kohn Ltd.; EAN L. KRYSKA and SMITHAMUNDSEN, LLC (collectively, "SmithAmundsen"), by their attorneys Edward Fitzsimmons Dunne, Michelle Blum, and Karbal, Cohen, Economou, Silk & Dunne, LLC; and EDWARD FITZGERALD, remove this action from

the Circuit Court of Cook County, Illinois to this Court. In support of their notice of removal, Wolin & Rosen, SEAL, SmithAmundsen, and Edward Fitzgerald state as follows:

1. Wolin & Rosen, SEAL, SmithAmundsen, and Edward Fitzgerald file this notice of removal pursuant to 28 U.S.C. §§ 1331, 1367, and 1441 and 1446.

2. Plaintiffs, Kunj Associates, L.P. and Kiran P. Patel, filed this action in the Circuit Court of Cook County, Illinois on October 22, 2018 as case no. 2018 L 11475. (Plaintiffs' Complaint, attached as Exhibit A).

3. Plaintiffs served Arnstein & Lehr, LLP, Saul Ewing Arnstein & Lehr, LLP, and Sandra Franco with summons and the complaint at law on or about November 14, 2018. (Summons directed to all defendants is attached as Exhibit B).

4. Plaintiffs served Julie L. Kaminski, Philip S. Wolin, Harold Rosen, Wolin & Rosen, Ltd., and Wolin Kelter & Rosen, Ltd. with summons and the complaint at law on November 15, 2018.

5. Plaintiffs served SmithAmundsen and Ean Kryska with a summons and the complaint at law on November 15, 2018.

6. Plaintiffs served Edward Fitzgerald with a summons and the complaint at law on November 19, 2018.

7. Upon information and belief, William Daddono was served on November 27, 2018.

8. Upon information and belief, Advanced Appraisal Group, Inc., Advanced Appraisal Consultants, LLC, and Advanced Appraisal Consultants, Incorporated were served on November 27, 2018.

9. Mr. Daddono is currently a prisoner in a Federal Correction Institute in Terre Haute, Indiana. (Exhibit B).

10. On December 9, 2018, Mr. Daddono exchanged email correspondence through the Federal Correction Institute email system with counsel for Wolin & Rosen, Bradley Puklin,

confirming Mr. Daddono's consent to remove this matter on behalf of himself and on behalf of the Advanced Appraisal entities. (December 9, 2018, email correspondence attached as Exhibit C).

11. Mr. Daddono's December 9, 2018, email correspondence further confirmed that Mr. Daddono mailed his written consent to Bradley Puklin. *Id.*

12. Defendants will supplement this notice of removal with Mr. Daddono's written consent if Mr. Daddono's correspondence sent from the Federal Correction Institute successfully reaches Mr. Puklin.

13. Upon information and belief, plaintiffs have not properly served Hiren Patel, Karen White, Burke & White, P.C., Glen Amundsen, or William Hackney.

14. Plaintiffs' complaint includes multiple counts that arise under federal law, namely the Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. 1961 *et seq.* The claims include Count I – CIVIL RICO "Financial Institution Fraud Involving the National Republic Bank of Chicago," Count II – Civil RICO "Financial Institution Fraud Involving Lehman Brothers Bank, FSB and Lehman Brothers Holding, Inc.," and Count III – Civil RICO "Collection of Unlawful Debts." Exhibit A.

15. In addition, Plaintiffs allege that defendants engaged in conduct that violated other federal statutes, including but not limited to 18 U.S.C. §§ 1014, 1343, and 1344. Exhibit A, ¶ 31(a-c).

16. The remaining counts in plaintiffs' complaint all arise from the same common nucleus of operative fact as the RICO allegations in Counts I, II, and III.

17. All counts within plaintiffs' complaint rely upon and arise out of plaintiffs' allegation that defendants engaged in a conspiracy to "defraud bank customers into purchasing and financing . . . foreclosed hotels and commercial properties." Exhibit A, ¶ 21.

18. Counsel for plaintiffs filed a cross-complaint arising out of a nearly identical alleged conspiracy as that alleged in the present case in *Nabil Saleh v. Hasan Merchant et al.*, Case No. 14-cv-09186, assigned to Judge John J. Tharp, Jr., in the United States District Court, Northern District of Illinois.

19. The parties in *Saleh*, which include SmithAmundsen LLC and Wolin & Rosen, Ltd., are awaiting Judge Tharp's ruling on motions to dismiss the fifth amended cross-complaint.

20. Counsel for plaintiffs filed a complaint arising out of the same conspiracy alleged in the present case in the matter of *Delaware Motel Associates, Inc. et al. v. Capital Crossing Servicing Company, LLC, et al.*, Case No. 1:17-cv-01715, assigned to Judge Matthew F. Kennelly, in the United States District Court, Northern District of Illinois.

21. On October 4, 2018, Judge Kennelly dismissed the action in *Delaware Motel Associates* with prejudice (D.E. 182, 183), and the parties are currently briefing SmithAmundsen and Wolin & Rosen's motions for sanctions pursuant to Rule 11 and 28 U.S.C. § 1927, and a counter-motion for sanctions filed by those plaintiffs and the same counsel.

22. Wolin & Rosen, SEAL, SmithAmundsen, and Edward Fitzgerald contemporaneously filed a Notice of Filing of Notice of Removal with the Clerk of the Circuit Court of Cook County, Illinois. (Notice of Filing, attached as Exhibit D).

Dated: December 14, 2018

Respectfully submitted,

/s/ Edward Fitzsimmons Dunne

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Ltd., and Wolin Kelter & Rosen, Ltd.***

**NOTICE OF FILING AND CERTIFICATE OF SERVICE**

- ☐ I hereby certify that on December 14, 2018, I electronically filed the foregoing with the Clerk of the United States District Court for the Northern District of Illinois by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.
- ☒ I hereby certify that on December 14, 2018, I electronically filed the foregoing with the Clerk of the United States District Court for the Northern District of Illinois by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. I further certify that some of the participants in the case are not CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third-party commercial carrier for delivery within 3 calendar days, to the following non-CM/ECF participants:

/s/Bradley E. Puklin

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